

**REMARKS**

Claims 1 through 13 are pending in the present application, in which claim 1 is the sole independent claim. In the Office Action dated May 19, 2006, the Examiner rejects claims 1 through 13 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,918,131 to Rautila (“Rautila”) in view of U.S. Patent No. 5,539,822 to Lett (“Lett”). Applicants respectfully request reconsideration and withdrawal of the rejections in light of the remarks below.

As discussed in the prior Response, Rautila discusses a system for setting user television preferences over a computer network using a computer terminal. Col 1, lines 9-14 and Col. 1, lines 37-40. A user may receive television programming, in addition to supplementary material, on the user’s television set. Col. 2, lines 65-67. Using a computer terminal, the user may register to indicate the television content the user is viewing, advertisements the user is interested in, etc. Col. 3, lines 13-15. The user’s registration is delivered via the Internet to an interactive server that maintains user account information, including the user’s registered television preferences. Col. 3, lines 6 – 16. The interactive server receives television programming and modifies or augments the television programming based upon the user’s television preferences, which is delivered to the user’s television set. Col. 3, lines 17-22 and Col. 3, lines 22-30. Applicants respectfully re-assert that Rautila fails to teach or suggest the elements of independent claim 1.

The Examiner asserts that Lett cures the deficiencies of Rautila to render independent claim 1 obvious. Lett discusses systems and methods for providing interactive services in a subscription television system. Col. 3, Ins. 55-58. Each transmitted transaction from a central source to a subscriber has an associated transaction identifier uniquely associated with that transaction. Col. 3, Ins. 20-23. The on-screen display of a template at a subscriber that

requires a response is completed via a remote control command. Col. 5, lns. 33-64. In identifying a template, a transaction identifier is used as a template identifier. "The entered data is returned over telephone or the serving cable (fiber) return channels to the program source where it is tabulated." Col. 3, lns. 40-43.

Both Rautila and Lett, either alone or in combination, fail to teach or suggest elements of independent claim 1 of the present application. Elements neither taught nor suggested by Rautila and Lett include at least a user computer, coupled to a data network, to display a user interface usable to enter a plurality of purchase preferences and a broadcast-based client-side device, coupled to the network, to receive user preference data from said data network based on said plurality of purchase preferences and broadcast programming content from a broadcast source. The broadcast-based device includes a display to display a plurality of purchase options based on said plurality of purchase preferences, and a user input device to select from among said plurality of purchase options, and to consummate a purchase transaction.

While Applicants agree with the Examiner that a user interface for a computing device is not novel, *per se*, the use of a user computer, coupled to a data network, to display a user interface usable to enter a plurality of purchase preference, as well as the display of the broadcast-based client-side device as claimed, are novel applications of user interfaces that are neither taught nor suggested by the combination of Rautila and Lett. The purchase preferences utilized by the display of the broadcast-based client-side device to display a plurality of purchase option, which are entered through use of the user computer, is absent from the combination of Rautila and Lett.

It is the specific combination of elements as claimed, the user computer and the broadcast-based client-side device, which is neither taught by Rautila and Lett, either alone or in

combination. Indeed, Applicants respectfully assert that that Examiner has failed to identify portions of Rautila and Lett that read onto the elements of independent claim 1 as claimed. Instead, the Examiner focuses on the consummation of purchase transactions and hardware elements without any indication of how these hardware elements teach or suggest the elements as presently claimed. For at least these reasons, Applicants assert that independent claim 1 is allowable over Rautila and Lett, either alone or in combination.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the prior art of record. Given the applicants' position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

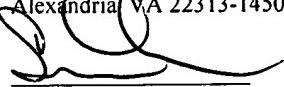
Applicants would like to inform the Examiner of a discrepancy regarding the status of the present application. On the cover sheet of the Office Action, the Examiner indicates that the status of the Action is non-final. At paragraph 3, however, the Examiner indicates that “[t]his Office Action, ‘the First Final Office Action’ is given Paper No. 20060515.” Because there is no indication as to status of the present Office Action as final in the Examiner’s conclusion, as well as the Examiner’s indication that the next proper response is under 37 C.F.R §1.111(b), Applicants assume that the suggestion as to the finality of the present Office Action at paragraph 3 is a typographical error.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the applicants' undersigned representative to discuss any issues relating to this application.

Dated: September 19, 2006

***Customer No. 61834***

I hereby certify that the correspondence attached herewith is being deposited this date with the U.S. Postal Service as First Class Mail with sufficient postage addressed to Mail Stop: Amendment, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.



Susan Formicola

9/19/06

Date

Respectfully submitted,



Seth H. Ostrow  
Reg. No. 37,410  
DREIER LLP  
499 Park Ave.  
New York, New York 10022  
Tel : (212) 328-6000  
Fax: (212) 328-6001